IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.7149 OF 2005

Shri Yalluppa Mhatru Kolsekar, deceased

his heirs:

1. Smt.Yamunabai Yalluppa Kolsekar & Ors. : Petitioners

V/s.

The State of Maharashtra & Ors. : Respondents

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Mr.S.M.Sabrad for the petitioners.

Mr.D.A.Patil, Asstt. Govt. Pleader for the respondents.

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CORAM : S.A. BOBDE, J.

October 18, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Patil, the learned Asstt. Govt. Pleader, appears and waives service of rule on behalf of the respondents.

Heard by consent.

2. The grievance of the petitioner is that he was not heard before the Special Land Acquisition Officer dismissed his application under section 28A of the Land

Acquisition Act.

3. The facts of this case are similar to the facts in Writ Petition no.1789 of 2004 and Writ Petition no.2225 of 2004 decided on 28.9.2004 by D.B.Bhosale,J. The impugned order is, therefore, set aside and the matter is remanded to the respondent no.3 for a fresh decision, in accordance with law, as expeditiously as possible and, in any case, within a period of 12 weeks from the date the petitioners appear before the respondent no.3. The petitioners are directed to appear before the respondent no.3 on 27.10.2005.

4. The rule is made absolute in the aforesaid terms.

S.A. BOBDE, J.